

FILED

AUG 27 2003

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

 **CLERK**

JAMES G. ABOUREZK,

Plaintiff,

vs.

PROBUSH.COM, INC., a Pennsylvania
corporation, and MICHAEL MARINO, an
individual

Defendants.

Civ. No. 03-4146

**MOTION FOR LEAVE TO FILE A
BRIEF AMICUS CURIAE**

Electronic Frontier Foundation and Professor Eugene Volokh, by counsel, move the Court to enter its order granting Electronic Frontier Foundation and Professor Eugene Volokh leave to file a brief amicus curiae in support of defendant ProBush.com's motion to dismiss, based upon the following grounds:

1. The Electronic Frontier Foundation ("EFF") is a non-profit, civil liberties organization working to protect rights in the digital world.
2. Eugene Volokh is Professor of Law at UCLA School of Law. He is the author of *The First Amendment: Problems, Cases, and Policy Arguments* (Foundation Press 2001), and of more than twenty law review articles in the past ten years on free speech and on cyberspace law.
3. The questions at issue in the above action are of vital interest to the public in that the relief sought in the Complaint by the Plaintiff could render online publishing prohibitively expensive, foster self-censorship and chill independent voices at a time when other barriers to such voices have finally been lowered.
4. The expertise of Amici would be helpful to the Court as it considers free speech as expressed on the Internet.

Dated this 26th day of August, 2003.

McCAULLEY LAW OFFICE, P.C.

BY 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Motion for Leave to File a Brief Amicus Curiae of the Electronic Frontier Foundation and Professor Eugene Volokh in Support of Defendant ProBush.com's Rule 12(b)(6) Motion to Dismiss was on August 26, 2003 sent via first class mail, postage prepaid, to the following:

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